

**Bassett Creek Watershed Management Commission 2015-2025 Watershed Management Plan Draft
Response to Comments Received on the 90-day Draft Plan**

Item 6Dii. - BCWMC 8-20-15

All comments and responses are open for discussion, however, staff would like Commission input on those in gray boxes, in particular. The draft Plan submitted for 90-day review (which includes tracked changes resulting from the 60-day review) is found here: <http://www.bassettcreekwmo.org/NextGenerationPlan2015/2015WatershedManagementPlanHome.htm>

No	Commenter	Page/ Plan Section	Plan Language/Comment	Draft Response
1	Minneapolis	ES-2 (paragraph 2, sentence 3)	"The Board has duties . . . standards, accumulating funds, . . ." Suggest add "and disbursing" ("accumulating and disbursing funds")	Text will be revised as suggested.
2	Minneapolis	ES-3, surface water paragraph 2	The list of lakes impaired for chlorides and nutrients doesn't appear to match Table 2-5. See if Sweeney should be added for chlorides, and Medicine for nutrients.	The executive summary will be updated to match all revisions to Table 2-5 following the 60-day draft
3	Minneapolis	ES-3, surface water paragraph 3	Clarify in the paragraph that 2014 listings are still proposed, not final yet.	Text will be revised to note draft status, similar to Section 2.
4	Minneapolis	ES-3, surface water paragraph 3	Should the fish bioassessments status be included?	The executive summary will be updated to match all revisions to Table 2-5.
5	Minneapolis	ES-3, water quantity and flooding section	"The principal feature . . . which replaced the century-old Bassett Creek tunnel." Could be misinterpreted that the old tunnel is no more. Suggest change to, "The principal feature . . . which replaced the century-old Bassett Creek tunnel for conveyance of Bassett Creek. (The old tunnel remains in place, but takes only local drainage. It no longer carries Bassett Creek, except for allowance of a small amount of overflow from Bassett Creek in the event of an extreme storm.)" (re-wording is of course fine)	This section is intended to be a summary. Additional text can be added to the inventory section noting that the old tunnel exists.

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6	Minneapolis	ES-6, policy 12	In reference to the MIDS Design Sequence Flow Chart, Minneapolis requests additional language of, "or approved alternative". This is because the MIDS Flowchart can be customized for a given community. For example, Minneapolis will be able to make a more user-friendly chart by eliminating the "karst" section [no karst in Minneapolis] and language particular to "MnDOT, and can amplify the ultra-urban language which is pretty specific to the two core cities. This addition would be consistent with the MWMO, which at the request of Minneapolis has in their plan, ". . . MWMO Design Sequence Flow Chart or a MWMO-approved alternative shall be used to identify a path to compliance through Flexible Treatment Options.] (page 28 of 731)	The use of MIDS as the BCWMC's adopted water quality performance standard was discussed by the Technical Advisory Committee (TAC) in winter 2014. The language of policy 12 was presented and approved at a Commission workshop in April 2014. The suggested change is reasonable for cities that have adopted MIDS with minor modifications to the flow chart; the Commission will consider revising the text of this policy to include "or approved alternative."
7	Minneapolis	ES-6, policy 32	Could not Policies 12 and 32 be combined, for clarity?	These policies are similar in reference to MIDS, but the first is intended to address water quality, while the second is intended to address water quantity. The inclusion of both separately makes more sense in the context of Section 4 (Goals and Policies).
8	Minneapolis	ES-7, policy 64	"Member cities may allow . . . Up to 20 feet in width, with that width being added to the required buffer width." 20 feet is excessive. Why was this width chosen?	This distance was discussed at the June 5, 2014 TAC meeting. As noted in the policy, the member cities may allow such an exception. The cities are not required to allow this exception and can choose to put in place stricter buffer requirements than those in the BCWMC Plan.

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9	Minneapolis	ES-7, policy 64	<p>"Member cities may allow . . . Up to 20 feet in width, with that width being added to the required buffer width."When Minneapolis suggested the exemption for public trails, and there was general agreement, there was no discussion about adding that width to the required buffer width. Minneapolis does not agree that the width of a public trail should be added to the required buffer width. This is not appropriate for some of the lands along Bassett Creek under the stewardship of the Minneapolis Park & Recreation Board.</p>	<p>No change to the Plan is proposed. The TAC met to discuss buffers in the spring of 2014. At the TAC meeting, it was noted that trails and other public facilities should be allowed to "interrupt" the buffer width. For example, if the minimum buffer width is 10 feet, and a 15-foot wide trail is located 5 feet from the shoreline, then the buffer must include the 5 feet between the shoreline and the trail, and an additional 5 feet on the inland side of the trail. Policy 64 was presented at a Commission workshop on August 11, 2014. The policy was discussed at the workshop and approved with minimum widths and the public trail exemption, although the trigger was reduced from one acre of impervious area (originally proposed) to either 200 cubic yards of cut/fill or 10,000 square feet of disturbance. The revision regarding the trigger was approved by the Plan Steering Committee at their 8/25/14 meeting. While this policy may not be ideal in all areas, it should be noted that the buffer requirement along Bassett Creek will only be triggered by redevelopment and/or significant improvement projects.</p>
10	Minneapolis	ES-9, 3rd bullet	<p>The draft BCWMC Plan does not cite rules and statutes consistently (meaning some places they are cited, other places not). The Minnesota Statute should be cited here. In general, I suggest that it is best to cite the appropriate Rules and Statutes that apply to passages in the Plan as it is helpful to member cities and other interested parties.</p>	<p>This section is intended to be a summary of Section 5 (Implementation). The additional text in section 5 details the drivers for these responsibilities (including statutes).</p>

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11	Minneapolis	ES-9, 6th bullet	"Acquiring the necessary easements or right-of-way or interest in land upon order of the BCWMC."Out of context, bullet point is still unclear. Possibly say, "For some capital projects, it is necessary to acquire easements or right-of-way or interest in land. The BCWMC will order the acquisition, and it is the role of the member city is to carry it out."	This section is intended to be a summary of Section 5 (Implementation). The additional text in Section 5 provides more detailed context.
12	Minneapolis	page 1-2	"The downstream end of the BCWMC is a tunnel . . ." Sentence needs an "at". Could be, "At the downstream end of the BCWMC is the new tunnel built as part of the Bassett Creek Flood Control Project, which conveys. . ."	The sentence will be reworded to read "The downstream end of Bassett Creek is a tunnel..." and a new sentence will be added immediately following the first sentence: "The legal boundary of the BCWMC ends at the new tunnel."
13	Minneapolis	page 1-2	These paragraphs are generally in reverse chronological order. For clarity, I suggest re-ordering the cities in chronological order. Start with "A 1979 BCWMC document provides . . . Closely follow the natural watershed divides.", followed by the sentence that begins "A 1985 order by the . . .". Next would be the full paragraph that starts "In 2000, the BCWMC . . .", followed by the sections last sentence -- "A legal description for the entire . . . in Appendix J." Last would be the paragraph, now first, about the tunnel under downtown Minneapolis. If you adopt this re-ordering, maybe change the first sentence of that paragraph to, "The new tunnel, built as part of the Bassett Creek Flood Control Project, is at the downstream end of the BCWMC and conveys Bassett Creek . . ."	The paragraph will be revised to follow the chronology.
14	Minneapolis	page 1-3	". . . the cities . . . Acted together as a committee . . ." Are the dates of the committee known? If yes, please add.	This section is intended to be a brief summary. Specific dates are beyond the level of detail intended for this section.

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15	Minneapolis	page 2-1	<p>From the point, "Prior to 2004, the BCWMC tracked discrepancies . . . "</p> <p>Could language be added as to why this changed in 2004?</p>	<p>The process prior to 2004 was discontinued based on revised policies adopted in the 2004 Plan. The text will be revised to state "Prior to the adoption of the 2004 BCWMC Plan..."</p>
16	Minneapolis	pages 2-1 and 2-2; Section 2.1.1 second paragraph	<p>"Until the early 2000s, a portion of the eastern Bassett Creek watershed within the City of Minneapolis was served by a combined storm sewer and sanitary sewer system. The Bassett Creek Flood Control Project design assumed that the entire tributary area from the City of Minneapolis was separated and that the stormwater drains to the creek rather than to wastewater treatment facilities."</p> <p>PLEASE CHANGE TO: "Stormwater and sanitary sewer waste for much of the City of Minneapolis was formerly discharged to a combined sanitary sewer/storm sewer system. While almost all of the discharges have now been separated into two systems, there is still some stormwater and clear water conveyed by the sanitary sewer system. The Bassett Creek Flood Control Project design assumed that the entire tributary area from the City of Minneapolis was separated and that the stormwater drains to the creek rather than to wastewater treatment facilities, and therefore whenever additional projects are completed, they are already accounted for in the Project's design capacity."</p>	<p>The text will be revised to read as follows:</p> <p>"Stormwater and sanitary sewer waste for much of the City of Minneapolis was formerly discharged to a combined storm sewer and sanitary sewer system. Efforts began in the 1930s to build separate systems and separate the existing flows. While almost all of the discharges have now been separated into two systems, there is still some stormwater and clear water conveyed by the sanitary sewer system. The Bassett Creek Flood Control Project design assumed that the entire tributary area from the City of Minneapolis was separated and that the stormwater drains to the creek rather than to wastewater treatment facilities. Therefore, whenever additional projects are completed to separate the remaining combined systems, they are already accounted for in the Project's design capacity."</p>

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17	Minneapolis	page 2-2, first full paragraph, first full sentence	<p>"The City of Minneapolis obtains its water supply from the Mississippi River for municipal and industrial purposes."</p> <p>Since the City has some industrial customers, it seems that "and industrial" should be stricken. The industrial uses ARE already included in "municipal purposes", no different than industrial customers in other municipalities.</p>	Noted. Text will be changed.
18	Minneapolis	page 2-2 and elsewhere	Although I cannot provide all the relevant passages numbers, it seems that the Plan sometimes states that all of the watershed is now within the MUSA area, and sometimes states that there is still a small area outside the MUSA, in Plymouth.	Text will be revised to reflect all of the BCWMC is within the 2020 MUSA.
19	Minneapolis	Table 2-2	For clarity, please separate the table into two parts: One for the Rainfall events, and one for the Snowmelt events. Please also remove "Runoff Events" from the title - the table is quantifying Precipitation events, not Runoff events.	The title of the table will be changed to "Selected Rainfall and Snowmelt Runoff Events."
20	Minneapolis	page 2-6, paragraph 5	Can you clarify the missing 11%? (30% B, +26% C, +20% C/D,+13% A = 89%)	There are also type "D," "B/D," and "A/D" type soils that are shown on Figure 2.5 but are not described in the text due to their limited presence.
21	Minneapolis	page 2-8	Three buried erosional valleys (presumably the same as the "intersecting buried bedrock valleys" mentioned in 2.5.2.1). Are they shown on a map? If yes, please add reference. If no, could they be?	The current figures do not show bedrock features. A map showing these features will be created in the near future (following Plan adoption)
22	Minneapolis	Table 2-3	With respect to the "discharges to" data for Spring Lake, City and MPRB staff have not been successful in locating a discharge pipe from Spring Lake to the Bassett Creek Tunnel. If BCWMC has additional knowledge, it would be appreciated.	Table 2-3 will be updated to note that the outflow to Bassett Creek is the suspected discharge direction, if this cannot be confirmed internally.

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23	Minneapolis	Section 2.6.5.2, paragraph 1, 3rd to last sentence	<p>"An additional 2.5. square miles . . and Minneapolis is tributary . . . Between the confluence with the North Branch . . . And confluence with the Sweeney Lake Branch."</p> <p>I think listing Minneapolis here must be an error. But if it is not an error, I would like more information.</p>	This is limited to a ~20 acre area along Theodore Wirth Parkway near St. Margaret Mary's Church, based on the XP-SWMM watershed divides.
24	Minneapolis	Section 2.6.5.2, paragraph 2	Is MPCA being requested to re-consider the fish bio-assessments? If so, could be mentioned here.	The BCWMC did not request that the MPCA reconsider-the fish bio-assessments.
25	Minneapolis	Section 2.7, paragraph 2	<p>"The principal pollutants found in runoff include . . . Trash and debris."</p> <p>"trash" and "debris" are not "pollutants" although they obviously are vectors for pollution. Suggest change to: End the sentence with "chlorides", and add an additional sentence, "Trash and debris may carry many contaminants, and are themselves degrading to aesthetics and wildlife."</p>	Pollution is a broad term, and herein is intended to include trash and debris. Trash is regulated under the Clean Water Act once it is in the water. The text will be revised to note that trash and debris also carry additional chemical pollutants.
26	Minneapolis	Table 2-4	Here "Trash and Debris" are listed in the "Stormwater Pollutant" column, but as this is probably how it was used in the cited publication, it is appropriate.	Noted.
27	Minneapolis	page 2-27	If the BCWMC is asking for reconsideration of the fish bioassessments impairment, is there interest in mentioning it in this section?	See response to comment #24.
28	Minneapolis	page 2-27; 3rd bullet	<p>"Main Stem of Bassett Creek at Irving Avenue, upstream of the conduit, in Minneapolis"</p> <p>Unclear what the term "conduit" is referring to</p>	The text will be revised to say double box culvert.
29	Minneapolis	Table 2-5	Although the title states, "including 2014 proposed listings and Wirth Lake delisting", I would suggest it could be made more clear within the respective rows, not just relying on the title and footnote 1.	The delisting of Wirth Lake is described in the text as well as in Table 2-5.

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30	Minneapolis	Section 2.8.1, paragraph 2, first sentence	"With the BCWMC Flood Control Project in place, runoff from the watershed area tributary to the old tunnel no longer flows to Bassett Creek. In 2000, the . . ."For those unfamiliar, I suggest adding a sentence to clarify, as follows: "With the BCWMC Flood Control Project in place, runoff from the watershed area tributary to the old tunnel no longer flows to Bassett Creek. This is because the old tunnel was left in place for its direct watershed, but a new tunnel project was built to convey the actual Bassett Creek. In 2000, the . . ."	The text in this section will be revised to note the current function of the old tunnel.
31	Minneapolis	pages 2-38 and 2-39	I didn't actually check, but is there a figure (specifically a map) that very clearly illustrates all of this, with the change in tunnels, the 3 tunnel phases, where the creek used to discharge, where it discharges now, and so forth? If yes, a reference to the map should be added. If no, a map should be created and referenced.	Labels will be added to Figure 2-14 (Flood Control Project Features) clearly identifying the old and new tunnels.
32	Minneapolis	pages 2-56 and 2-57	Would the Plan want to include much more natural history? One resource is <i>Geology of the Bassett Valley Area</i> . Minnesota Geological Survey, Gary N. Meyer, January 1996. -- although this resource is pretty specific to the Minneapolis area.	Thank you for the reference.
33	Minneapolis	page 2-58	I imagine the winter aeration system is operated by the MPRB, if so please mention this.	If the MPRB confirms their operation of the aeration system, it will be noted.
34	Minneapolis	Section 2.10.1.4, paragraphs 1 and 2	I imagine that the "since 2007" language in paragraph 2 is related to the 2012 MDNR survey mentioned in paragraph 1. If so, this could be clarified by putting the sentence "Wirth Lake was most recently surveyed . . ." at the beginning of paragraph 2 (instead of BEFORE the "A winter aeration system is operated . . .", which breaks the continuity of the 2012 MDNR survey to paragraph 2.	The sentence may be moved for clarity.

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35	Minneapolis	Section 2.11, paragraph 1, last sentence.	"The presence of soil contamination at many of these sites may limit or prevent infiltration as a stormwater management option."Possibly add", if not removed", as in, "The presence of soil contamination at many of these sites, if not removed, may limit or prevent infiltration as a stormwater management option." Removal of contaminated soils can certainly be considered - (and may actually become more common, considering the SRV's that MPCA is proposing.)	The additional text will be added.
36	Minneapolis	page 3-6, second paragraph	Can this paragraph address the process by which BCWMC floodplains will be updated to Atlas 14?	This process has not been determined at a level sufficient to describe in the Plan beyond what is stated in Policy 25.
37	Minneapolis	page 3-20, 2nd bullet	"Hennepin County is responsible . . . And 156." I don't know if this is true. Not sure why this is relevant to the Plan, suggest it be removed.	The information is intended to describe those systems for which another entity (i.e., not cities or the BCWMC) has maintenance responsibility.
38	Minneapolis	page 3-20, 2nd bullet	"Cities are responsible for maintaining storm sewer catch basins and leads in the county roads." This is not a correct statement. These infrastructure components are the responsibility of the county, however in the case of Minneapolis, we do maintain them BY AGREEMENT WITH THE COUNTY. I don't know how this works in other cities. Not sure why this is relevant to the Plan, suggest it be removed. If kept, I suggest you change the sentence to say, "The county is responsible for the storm sewer catch basins and leads in the county roads, but maintenance may be performed by cities through agreement."	Text will be revised to clarify that agreements may exist between cities and counties regarding these systems.

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39	Minneapolis	page 4-4, policy 13, first sentence	Add, "triggers and flexible treatment options", so that the full sentence reads, "The BCWMC will review projects and developments to evaluate compliance with the MPCA's Minimal Impact Design Standards (MIDS) performance goals, triggers and flexible treatment options (which are adopted by the Commission as BCWMC water quality management standards) if the projects are located in member cities that have not adopted the MIDS performance goals, triggers and flexible treatment options, or at the request of the member city."	<p>The first sentence of the policy will be revised to be consistent with the rest of the policy in referencing the performance goal, triggers, and flexible treatment option.</p> <p>[Note that while this is a change to a significant policy, the suggested change is consistent with the intention of the policy, as adopted by the Commission.]</p>
40	Minneapolis	page 4-4, policy 15	"Member cities shall not allow the drainage of sanitary sewerage or industrial wastes onto any land or into any watercourse or storm sewer discharging into Bassett Creek."The MPCA, and not the member cities, is in charge of NPDES Permits for industrial wastes. Therefore it is necessary to change the sentence to, "Member cities shall not allow the drainage of sanitary sewerage or non-permitted industrial wastes onto any land or into any watercourse or storm sewer discharging into Bassett Creek."	The text will be revised to exclude permitted industrial waste discharges.
41	Minneapolis	page 4-5, policy 25	Can a timeline and/or frequency be included?	A timeline has not yet been developed.
42	Minneapolis	page 4-6, policy 29	<p>". . . including minimum building elevations of at least 2 feet above the 100-year flood level, as outlined . . .".</p> <p>Please add, "for new buildings", as in, ". . . including minimum building elevations of at least 2 feet above the 100-year flood level for new buildings, as outlined . . .".</p>	The policy includes a reference to the BCWMC rules (Appendix H), which notes that the requirement is applicable to new structures. The text of Policy 29 will be revised to include "for new structures" as described in the BCWMC rules.

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43	Minneapolis	page 4-7, policy 34, policy 35	<p>"The BCWMC will allow only those land uses . . ."</p> <p>In some cases, it is unavoidable to exclude other infrastructure -- whether public or private -- than just "public utility lines". Possibly add, "unless a variance is granted", as in, "The BCWMC will allow only, unless a variance is granted, those land uses . . .". It is essential that a variance process be in place. To be sure that Items 34 and 35 are not contradictory I suggest they be combined and re-worked.</p>	<p>During Plan development, there was periodic discussion about variances. Ultimately, the Plan Steering Committee decided that variances may be requested for any number of requirements specified in the Plan, and should not be referenced for specific policies unless the variance is categorical in nature (e.g., trails in buffer areas). Appendix H includes the procedure for requesting a variance.</p>
44	Minneapolis	page 4-7, policy 39	<p>To clarify that there is a process involved, I suggest the following instead of the [current] sentence: "When WMO Plans are updated, approved and adopted, the BCWMC requires member cities to follow processes laid out in Minnesota Rules and Statutes to come into compliance with changes in WMO standards, including floodplain standards."</p>	<p>The recent update to Minnesota Rules 8410 has changed the process. The 8410 Rules no longer specify the local plan update cycle relative to the WMO Plan. Thus, the BCWMC Plan must now outline the process.</p>
45	Minneapolis	page 4-7, policy 39	<p>"The BCWMC requires member cities to maintain ordinances that are consistent with BCWMC floodplain standards." I suggest this sentence be removed. This goes beyond State requirements, and may not always be practical. Review by the BCWMC of updates to Local Surface Water Management Plans, which are the mechanism for coming into compliance with changes to WMO standards, should suffice.</p>	<p>Policy 39 refers only to those ordinances that include floodplain standards. Cities use other "local controls" in addition to their local water plans. It is necessary to review these to determine compliance with WMO requirements. This responsibility for oversight of the member cities was specifically mentioned by BWSR during plan development, and is noted in Section 5.1.1.6.</p>
46	Minneapolis	page 4-11, policy 60	<p>In regard to soft armoring techniques, since "wherever feasible" is not clearly defined, I suggest adding, "and where there is a high likelihood of durability." although soft armoring techniques are desirable, there are many case histories of failure.</p>	<p>The policy language provides flexibility in implementation. It is intended that "feasible" refers to longevity as well as installation.</p>

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47	Minneapolis	page 4-17, policy 110	<p>"The BCWMC will place a higher priority on projects that incorporate multiple benefits . . ."</p> <p>Suggest change from "will" to "may". Some single-purpose projects may be very important and high priority.</p>	<p>It is acknowledged that some projects with singular benefits may be prioritized above multiple-benefit projects based on several factors. However, it is generally true that the BCWMC will prioritize multiple-benefit projects. The bulleted criteria of Policy 110 and the text of Section 5 further describe the prioritization process and give the BCWMC adequate flexibility for prioritization.</p>
48	Minneapolis	NA	<p>In reference to application of the MIDS standard, I strongly suggest that the Plan state that, while the BCWMC considers the track portions of LRT projects to come under the Linear category for applicability of MIDS standards, the BCWMC considers the station portions of LRT projects to come under Development or Redevelopment (as the case may be) for applicability of MIDS standards.</p>	<p>This will be noted by the Commission moving forward. As written, the Plan should allow for flexibility in interpreting track portions of rail projects.</p>
49	MnDOT	Appendix H, page 19, Section 2.11	<p>"Road overlay projects and road resurfacing projects which do not disturb the road base will not be covered by the requirements of this policy"</p> <p>MIDS specifies projects "which do not disturb the underlying soil." Please match the MIDS requirement.</p>	<p>Appendix H will be revised to be consistent with MIDS language.</p>
50	MnDOT	Appendix H, pages 6 and 9, sections 3.2 and 4.2	<p>This section mentions an application fee. State agencies are exempted from fees in all other watersheds; please include this exemption.</p>	<p>Appendix H will be revised to note the exemption.</p>

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51	MnDOT	Appendix H, page 9, section 4.1	<p>"Linear projects disturbing less than 1 acre will be reviewed by the cities."MnDOT will follow BCMWC standards, but as a state agency, does not follow city standards. This will cause difficulty with the actual application process and the form and review by the cities. Please make an exemption for state agencies.</p>	<p>Section 3.1 of Appendix H states that the BCWMC will only review projects after the project has received preliminary review by the city (i.e., City review occurs prior to BCWMC review for all projects, including linear). In practice, the Commission will cooperate with City staff to make sure they are aware of the process/requirements applicable to MnDOT and other state agency projects.</p>
52	MDA	page 5-8	<p>The following could be added:</p> <p>"The Minnesota Department of Agriculture (MDA) is statutorily responsible for the management of pesticides and fertilizer other than manure to protect water resources. The MDA implements a wide range of protection and regulatory activities to ensure that pesticides and fertilizer are stored, handled, applied and disposed of in a manner that will protect human health, water resources and the environment. The MDA works with the University of Minnesota to develop pesticide and fertilizer Best Management Practices (BMPs) to protect water resources, and with farmers, crop advisors, farm organizations, other agencies and many other groups to educate, promote, demonstrate and evaluate BMPs, to test and license applicators, and to enforce rules and statutes. The MDA has broad regulatory authority for pesticides and has authority to regulate the use of fertilizer to protect groundwater."</p>	<p>The Minnesota Department of Agriculture's regulatory authority as related to water resources has been omitted from the plan due to the absence of agricultural uses within the BCWMC.</p>